



**Testimony
Bart Russell
Executive Director
Connecticut Council of Small Towns (COST)
Before the Labor Committee
February 10, 2011**

**RE: HB-5465 AN ACT CONCERNING FAMILY AND MEDICAL LEAVE
BENEFITS FOR CERTAIN MUNICIPAL EMPLOYEES.**

The Connecticut Council of Small Towns (COST) opposes **HB-5465 - An Act Concerning Family and Medical Leave Benefits For Certain Municipal Employees**, which requires municipalities to grant certain ineligible municipal paraprofessionals the right to family and medical leave (FMLA).

In previous years, the Office of Fiscal Analysis identified expansion of FMLA as a potentially costly "state mandate" on municipalities. In fact, the bill would disproportionately impact smaller communities, which may not be able to afford to operate with employees absent for prolonged periods of time. Smaller towns are not in a position to absorb the cost of paying and training a replacement worker for the employee on leave or pay coworkers overtime to share the expanded workload.

This bill will impose significant costs on towns and cities resulting from net labor replacement costs as well as training and supervision for those replacement workers. It also imposes an administrative and staffing burden on our schools and town halls. According to the Society of Human Resource Management, 30% of leave under FMLA is intermittent leave, which is taken sporadically throughout the year, without much, if any, notice to the school system. If a school is unable to find an aide or substitute to fill in, they may have to hire a temporary worker to fill the position while the paraprofessional is gone. Not only will this be costly, it will prove very disruptive for the school system as well as the students.

Under federal law, local government employees must provide at least 1,250 hours of service and have worked for the previous 12 months in order to be eligible for FMLA benefits. This bill amends the federal law and lowers the threshold to 700 hours of service, greatly expanding the number of individuals covered under FMLA. According to the Department of Labor Wage and Workplace Statistics Division, it is estimated that an additional 25,000 paraprofessionals would be eligible for FMLA under this bill, increasing administrative and wage replacement costs to municipalities. Moreover, the annualized ongoing fiscal impacts would continue into the future subject to inflation.

There are also serious concerns regarding how the bill is drafted. Although the proponents of the bill intend it to apply to educator paraprofessionals, as drafted the bill applies without limitation to "paraprofessionals" of any town, city, borough, school

district, fire district, improvement association, or other district or association. The term paraprofessionals may therefore be construed to include other municipal employees.

It is also troubling that the legislation seeks to amend eligibility criteria set by *federal law* with a *state law*. This creates confusion regarding whether federal FMLA regulations, which include special provisions for employees of local education agencies, would be applicable to such paraprofessionals. For example, federal regulations allow leave taken by employees of local education agencies to be prorated based on the average number of hours worked in the 12 weeks prior to the beginning of the leave. It is unclear whether these provisions remain applicable.

In addition, by extending the FMLA to paraprofessionals, HB-5465 opens the door wide open for other municipal employees that do not meet the current eligibility criteria outlined under federal law to request FMLA leave. This sets a very bad precedent and could result in a patchwork of family and medical leave laws that would be cumbersome and costly for municipalities to administer.

Moreover, educator professionals are generally subject to the Municipal Employee Relations Act and, as such, issues involving wage and benefits are subject to collective bargaining. Provisions regarding various aspects of the Family and Medical Leave Act are generally addressed within the scope of such collective bargaining agreements.

COST urges opposition to this bill, which would impose yet another unfunded mandate and financial burden on towns and cities that will further strain local resources. **Given the fiscal challenges facing the state and municipalities, we urge lawmakers to reject passage of any additional unfunded mandates and, instead, support passage of mandate relief measures.**

Therefore, COST urges your *opposition to HB-5465*.